

2 SETH L. HANSON (SBN 217027)  
3 **LAW OFFICE OF SETH L. HANSON**  
4 919 RESERVE DRIVE, SUITE 118  
ROSEVILLE, CA 95678  
(916) 780-7005  
(877) 894-0551 FAX

5 Attorney for Debtors

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7 **UNITED STATES BANKRUPTCY COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

9 **-000-**

10 IN RE:

11 GREGORY MASAMI KITAMURA, ET AL.,

12 Debtors.

13 CASE NO. 2013-28101  
DC No.: SLH-1

14 Chapter 13

Date: August 5, 2013  
Time: 1:30 p.m.  
Dept.: A

15

16 **MOTION TO VALUE COLLATERAL OF SUNTRUST BANK**

17 Debtors Gregory and Christina Kitamura, by and through their attorney of record, Seth L.  
18 Hanson, move the Court herein to value the collateral securing Debtors' indebtedness to  
19 SunTrust Bank, namely the Debtors' second deed of trust on the real property located at 5415  
20 Dutch Iris Ct, Elk Grove, CA. This motion is based on the following:

21 1. Debtors value the collateral attributable to SunTrust Bank's junior mortgage at  
22 \$0.00 with the balance of the loan to be treated as a general unsecured, Class 7 claim.

23 2. Against the property is a first deed of trust with Nationstar Mortgage in the  
24 approximate amount of \$394,783.00.

25 3. Against the property is a second deed of trust with SunTrust Bank, in the  
26 approximate amount of \$131,215.00. As of the date of the filing of this motion, SunTrust Bank  
27 has not filed a proof of claim.

28 4. Debtors value this property at \$330,761.00 based on their personal knowledge,

1 their observations of properties for sale in the neighborhood, and properties that have sold in the  
2 neighborhood.

3       5. The total amount of unavoidable liens on the real property is approximately  
4 \$394,783.00. After deducting these unavoidable liens from the value of the property  
5 (\$330,761.00 - \$394,783.00 = -\$64,022.00), there is insufficient equity in the property to secure  
6 the second deed of trust.

## Points and Authorities

8 Debtor may testify regarding the value of the property owned by the Debtor and have  
9 done so through the Schedules and Plan. FED. R. EVID. 701; *So. Central Livestock Dealers, Inc.*  
10 v. Security State Bank

An adversary complaint is not necessary to value this collateral. *In re Laskin*, 98 D.A.R. 8483 (B.A.P. 9th Cir. 1998).

### Conclusion

WHEREFORE, DEBTORS PRAY:



18 | Dated: July 3, 2013

LAW OFFICE OF SETH L. HANSON

John L. Hanson  
SETH L. HANSON  
Attorney for Debtors